IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 20482 of 1999

Between:

Y.Madhu Babu, S/o Nagabhushanam, 32 years,

R/o Labbipet, Vijayawada, Krishna Dist.

..... PETITIONER

AND

The Dy. Transport Commissioner and

Secretary, Regional Transport Authority,

Krishna at Vijayawada.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the orders of the respondent herein passed in his proceedings No.53140/B1/96 dated 08-09-1999 as illegal, arbitrary and void and further direct the respondent to permit the petitioner to ply his vehicle bearing No.AP 20 T 4488.

Counsel for the Petitioner:SMT.M.VINOBHA DEVI

Counsel for the Respondent : GP FOR TRANSPORT

The Court made the following :

ORDER:

Heard both the learned Counsel.

The petitioner herein, who is a permit holder, seeks to assail the impugned orders dated 08-09-1999 passed by the respondent herein.

Though several contentions are sought to be urged, however, as rightly noted at the time of granting interim orders on 30-09-1999, the impugned orders came to be passed at the instance of the respondent herein-Transport Commissioner, who is an appellate authority. Having regard to the same, entire proceedings are vitiated, as there is no independent application of mind or consideration by the respondent herein.

In view of the above, the Writ Petition is allowed. The impugned order is set aside. The matter is remitted to the respondent herein for fresh consideration and disposal on merits in accordance with law, after giving notice and opportunity to both sides. No costs.

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B.PRAKASH RAO, J.

Dated 19-07-2004.

SKMR

To

1. The Dy. Transport Commissioner and

Secretary, Regional Transport Authority,

Krishna at Vijayawada.(with records).

2. 2CCs to G.P. for Transport, High Court Buildings, Hyderabad, A.P.

(OUT).

3. 2CD copies